

REMARKS

Applicants have carefully reviewed the non-final Office Action dated April 25, 2000, from the U.S. Patent and Trademark Office in the above-identified application, and submit the above amendments to the claims and the following remarks in response thereto. Specifically, Applicants have amended claims 4, 6, 17, 20, 22 - 26, and 28 - 30 to more clearly recite the invention. Currently, claims 2 - 9, 14 - 17, and 20 - 30 are pending in the application.

The drawings are objected to under 37 C.F.R. § 1.83(a), as not showing every feature of the invention specified in the claims, specifically the elliptical frame and the magnetic circuit having an elliptical shape, and the elliptical frame with the elliptical magnetic circuit formed by the plates and the magnet having a rectangular shape. In response, Applicants have amended the claims to remove reference to elements such as the elliptical frame and the magnetic circuit having an elliptical shape. Therefore, Applicants respectfully request that this objection to the drawings be withdrawn.

Claims 22, 24, 26, and 29 are objected to due to the repeated recitation of the feature "the top plate . . . its shorter axis[.]" In response, Applicants have amended each of these claims to remove the referenced feature. Therefore, Applicants respectfully request that this objection to these claims be withdrawn.

Claims 23 and 24 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention, for reciting the elliptical magnetic circuit. In response, Applicants have amended these claims to remove reference to the elliptical magnetic circuit. Therefore, Applicants respectfully request that this rejection to these claims be withdrawn.

Claims 2 - 4, 6, 8 - 9, 15, 17, 20, 22 - 24 and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,079,472 to *Sariti* in view of U.S. Patent No. 4,969,196 to *Nakamura*. Claims 5, 7, 14, 16, 21 and 25 - 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Sariti* in view of *Nakamura* and further in view of either Great Britain

Application No. 2,278,251 to *Lee et al.* or Japanese Patent No. 355118299 to *Numa*. Applicants respectfully traverse these rejections for the following reasons.

With regard to independent claims 4, 6, 20, 23, 25, and 28, Applicants do not agree that all the combinations of features of the claims are shown or suggested by *Sariti*, *Nakamura*, *Lee et al.*, or *Nakamura*, either when taken alone or in combination. However, in order to more clearly recite the invention, each of the independent claims has been amended to recite a combination “wherein each of the top plate, the plate-shaped magnet and the back plate has a width and a length, each width being substantially less than each respective length, thereby permitting installation of the speaker unit in a narrow space[.]” Applicants respectfully assert that these combinations are not shown or suggested by *Sariti*, *Nakamura*, *Lee et al.*, or *Nakamura*, either when taken alone or in combination.

MPEP § 2143.03 points out that “[t]o establish prima facie obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. In re Royka, 409 F.2d 981, 180 USPQ 580 (CCPA 1974).” Therefore, Applicants respectfully request that the rejections to each of the independent claims 4, 6, 20, 23, 25, and 28 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2, 3, 5, 7 - 9, 14 - 17, 21, 22, 24, 26, 27, 29, and 30, as depending either directly or indirectly from allowable independent claims 4, 6, 20, 23, 25, and 28, are allowable for at least the same reasons as the independent claims. Therefore, Applicants respectfully request that the rejection to these claims under 35 U.S.C. § 103(a) be withdrawn.


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of the application and timely allowance of pending claims 2 - 9, 14 - 17, and 20 - 30. The Examiner is invited to contact the undersigned by telephone if any issues remain unresolved.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,
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